

Office of the Secretary  
RECEIVED

IN THE MATTER OF THE )  
APPLICATION OF )  
Acceris Communications Corp. )  
for a Certificate of Public )  
Convenience and Necessity to )  
Provide )  
Local Exchange Telecommunications )  
Services Within the )  
State of Idaho )

JUN - 7 2004

CASE NO.

Boise, Idaho

ACC-T-04-01

APPLICATION AND REQUEST FOR AUTHORITY

Application is hereby made to the Idaho Public Utilities Commission for a Certificate of Public Convenience and Necessity authorizing Acceris Communications Corp., ("Applicant" or "Acceris") to provide local exchange telecommunications services pursuant to Idaho Code Sections 61-526 through -528 and IDAPA 31.01.01.111 (Rules 111 & 112) as clarified by Procedural Order No. 26665 in Case No. GNR-T-96-4. The following general information and exhibits are furnished in support thereof:

- 1.) Applicant's legal name, address of its principal offices and telephone number are:

Acceris Communications Corp.  
9775 Businesspark Avenue  
San Diego, California 92131  
(800) 576-7775

The Applicant has no office located in the State of Idaho. The Applicant intends to provide resold and facilities-based local exchange service utilizing the UNE-P platform. Such services will be provided by utilizing the facilities incumbent local exchange carriers ("LECs"), as well as unbundled network elements.

2.) Applicant is incorporated in the State of Delaware and is in good standing under the laws of that state. In addition, the Company is authorized to do business as a foreign corporation in the State of Idaho. Attached as Exhibit 1 to this Application is a copy of the Company's Certificate of Incorporation. A copy of Applicant's certificate of authority to transact business in Idaho is attached hereto as Exhibit 2.

3.) The name and business address of Applicant's registered agent for service in Idaho are:

TCS Corporate Services, Inc.  
5527 Kendall Street  
Boise, Idaho 83706

4.) The names and addresses of the ten common stockholders of Applicant Owning the Greatest

Number of Shares of Common Stock and the Number of Such Shares Owned by Each are:

<u>Name and Address</u>	<u>Shares Owned</u>	<u>Percentage of All Shares Issued &amp; Outstanding</u>	<u>Percentage of Voting Control</u>
Acceris Communications, Inc.	1,000	100%	100%

Address: See company address listed in 1.) above.

5.) The names, addresses and ownership of Applicant's Officers and Directors are:

Officers:

Allan C. Silber	CEO
Kelly D. Murumets	President
Kenneth L. Hilton	Exec. VP, Sales & Marketing
James Ducay	Exec. VP/COO
Ralph Brandifino	Treasurer/CFO
Gary Clifford	VP/Asst. Treasurer
Stephen Weintraub	Secretary

Directors:

Allan C. Silber  
Samuel Shimer

Each can be reached at Applicant's primary place of business and telephone number as follows:

Acceris Communications Corp.  
9775 Businesspark Avenue  
San Diego, California 92131  
(800) 576-7775

6.) The Name and Address of Any Corporation, Association, or Similar Organization Holding a 5% or Greater Ownership or Management Interest in Applicant are as follows:

See answer to 4. above.

7.) The names and addresses of Subsidiaries Owned or Controlled by Applicant are as follows:

Not applicable.

8.) Applicant initially proposes to provide resold local exchange services and to purchase unbundled network elements provided by existing LECs: Qwest North, Qwest South, and Verizon. Applicant has no current plans to install facilities in Idaho but may do so in the future, however, the nature and extent of the facilities to be utilized has yet to be determined. Applicant intends to provide all forms of intrastate local exchange and interexchange telecommunications services including:

1. Interexchange (switched and dedicated services):

- A. 1+ and 101XXXX outbound dialing;
- B. 800/888 toll-free inbound dialing;
- C. Prepaid and Postpaid calling cards;
- D. Directory Assistance; and
- E. Frame Relay and other data services.

2. Local Exchange:

- A. Local Exchange Services for business and residence customers that will enable customers to originate and terminate local calls in the local calling area served by other LECs, including local dial tone and custom calling features.
- B. Switched local exchange services such as flat-rated and measure-rated local services; vertical services, Direct Inward and Outward Dialed trunks, carrier access, public and semi-public coin telephone services, and any other switched local services that currently exist or will exist in the future.
- C. Non-switched local services (e.g., private line) that currently exist or will exist in the future.
- D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
- E. Digital subscriber line, ISDN, and other high capacity line services.

Applicant seeks authority to resell and provide facilities-based/UNE-P interexchange and local exchange services initially throughout the State where provided by incumbent LECs, however, Applicant does not intend to service areas serviced by any LECs which are eligible for a small or rural carrier exemption pursuant to Section 251 of the Federal Telecom Act of 1996.

Applicant has no current plans to install facilities in Idaho. If Acceris installs facilities in Idaho, it would probably use the following or a similar configuration of equipment: Acceris will provide voice and high speed data services through a combination of the latest technology switching and transport media comprised of the Lucent Technology 5 ESS Generic 13 switch module, ADSL/SDSL transport and Internet service equipment and the latest Optical multiplexer DAC's configurations. The switching system consists of a central processing and control complex capable of interconnection as a peer to the incumbent as well as competitive local exchange companies. The hub portion of the switch will interconnect with the public switched network on Signaling System 7 ("SS7") or Feature Group D ("FGD") facilities. The system's remote module capability will allow properties to be served in a manner that provides the exchange of appropriate signaling, control and calling/caller information to the network in accordance with network standards and specifications. Additionally, these services will be delivered over a combination of delivery mechanisms through incumbent local carriers' unbundled loop network, both copper and fiber and transport networks, as well as via Acceris constructed facilities. Applicant intends to provide service upon certification and finalization of interconnection agreements with the LECs.

A copy of Acceris Communications, Inc.'s Form 10-K for the year ended December 31, 2003, Exhibit 3.

- 9.) A map showing where Applicant is proposing to provide service is attached hereto as Exhibit 4.

10.) A copy of Applicant's illustrative tariff is attached hereto as Exhibit 5. Applicant will file its proposed tariff establishing its proposed services and charges upon completion of interconnection and upon receipt of certification by the Commission.

11.) Questions concerning this application and Applicant's tariff should be directed to Applicant's representative:

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse  
Suite 250  
Alpharetta, Georgia 30005  
(770) 232-9200 (Telephone)  
(770) 232-9208 (Facsimile)  
[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com) (Email)

Customer Complaints and Inquiries are to be addressed to:

Barbara Jamaledin  
9775 Businesspark Avenue  
San Diego, California 92131  
(800) 576-7775 (Customer Service)

- 12.) Applicant has initiated interconnection negotiations with Qwest.
- 13.) Applicant has reviewed the laws and regulations of this Commission governing local exchange telecommunications services in Idaho and will provide service in accordance with all laws, rules and regulations to the extent they are not preempted by the Federal Act.
- 14.) Applicant will not require advance payments or deposits, therefore, no escrow account is being filed.

WHEREFORE, Acceris Communications Corp., requests that the Idaho Public Utilities Commission enter an order granting a Certificate of Public Convenience and Necessity authorizing Acceris Communications Corp., to provide resold and facilities-based/UNE-P local exchange telecommunications services pursuant to Idaho Code Sections 61-526 through -528 and IDAPA 31.01.01.111.

Respectfully submitted this 4<sup>th</sup> day of June, 2004.

ACCERIS COMMUNICATIONS CORP.

By: Lance J.M. Steinhart/ce  
Lance J.M. Steinhart, P.C.  
Attorney for  
ACCERIS COMMUNICATIONS CORP.

LIST OF EXHIBITS

- EXHIBIT 1            CERTIFICATE OF INCORPORATION
- EXHIBIT 2            CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS
- EXHIBIT 3            FINANCIAL INFORMATION
- EXHIBIT 4            SERVICE AREA MAP
- EXHIBIT 5            ILLUSTRATIVE TARIFF